

MAY 26 2004

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Mathew McPherson
Application No.:	09/852253
Filed:	May 9, 2001
For:	Arrangement of a Sound Hole & Construction of a Sound Hole Board in an Acoustic Guitar
Examiner:	Shih Yung Hsieh
Group Art Unit:	2837
Firm Docket No.:	M55.2R-9120-US02

DATE: May 26, 2004 TIME: 3:55 P.m. FACSIMILE NO.: 703-872-9306

TOTAL NUMBER OF PAGES (including transmittal letter): 6

FACSIMILE TRANSMITTAL LETTER

Following please find a 4 page Reply Brief in response to the Order
Returning Undocketed Appeal to Examiner, dated April 7, 2004 (or Examiners Answer
dated March 26, 2004); and 2 page Facsimile Transmittal Letter.

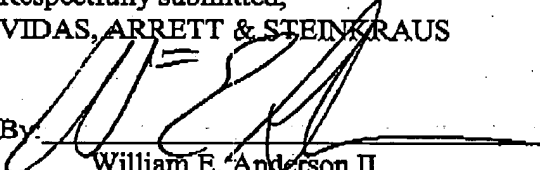
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Conditional Petition

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Respectfully submitted,
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Docket No.: M55.2R-9120-US02

REPLY BRIEF

This is a Reply Brief on Appeal in response to The Examiner's Answer issued March 26, 2004.

With regard to items 1-9, on pages 2-3 of the The Examiner's Answer, Applicant agrees with the Examiner's statements and thanks the Examiner for the correction in item 2.

Reply to Examiner's Response to Arguments:

Issue I:

Group A – Claims 1, 20, 21, 23 and 25

Further to Applicant's arguments in the Brief on Appeal, it should also be noted that it is not clear whether the cited disclosure in the Sloane reference (Col. 2, lines 20-22) is even referring to soundboards. As has noted before, bottom or back board have differing desired qualities and, as such, are frequently described separately. The paragraph prior to the paragraph in which the cited disclosure is in starts out by discussing the making of backs of guitars. Then, subsequently, in the paragraph in which the cited disclosure is in, the reference further states that "Rose-wood-veneered plywood is also available for *backs and sides*." Soundboards are only specifically addressed in the

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Signature: _____


Robin Peddieson

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next paragraph. As such, not only is motivation lacking in the asserted combination of references, it is also unclear whether the cited language in Sloane is specifically stating that which is asserted in the rejection. Therefore, reversal of the rejection is respectfully requested.

Group B: Claim 2

Further to Applicant's arguments in the Brief on Appeal, Applicant adds the following. The Examiner's asserts that Sloane teaches that "Rosewood-veneered plywood have also been used for guitars." If the Examiner is referring to Col. 2, lines 16-18, of Sloane, this statement is incorrect. The sentence actually states that "[r]ose-wood-veneered plywood is also available for backs and sides." The statement does not refer to soundboards. Therefore, reversal of the rejection is respectfully requested.

Group C: Claim 7

Further to Applicant's arguments in the Brief on Appeal, Applicant also offers the reasons set out in Group B: Claim 2. As to Examiner's assertion as to the lack of benefit of the claimed arrangement, among other attributes, this construction produces a distinctive and unique sound. As stated in Applicant's application on page 6, lines 13-17, it has been found that using multiple layers of wood for the sound board, wherein each layer is made of a different type of wood, provides a distinctive and unique sound quality. The difference between the compositional makeup, density, elasticity, hardness, softness, etc., of the different layers adds to the unique sound quality. This benefit may be somewhat subject, but it is a benefit nonetheless. Therefore, reversal of the rejection is respectfully requested.

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Group D: Claim 8

Further to Applicant's arguments in the Brief on Appeal, Applicant also offers the reasons set out in Group C: Claim 7. Therefore, reversal of the rejection is respectfully requested.

Issue II:

Group A: Claims 22 and 26

Further to Applicant's arguments in the Brief on Appeal, Applicant also offers the reasons set out in Issue I: Group A. Therefore, reversal of the rejection is respectfully requested.

Group B: Claim 27

Further to Applicant's arguments in the Brief on Appeal, Applicant also offers the reasons set out in Issue I: Group A. Therefore, reversal of the rejection is respectfully requested.

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CONCLUSION

Based on the foregoing, applicant believes that the claims are allowable over the cited references. Therefore, the Board is respectfully requested to reverse the rejections of the claims.

Respectfully submitted,

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